

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan for Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM.

Investigation 02-04-026
(Filed April 22, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING INFORMATION FROM RESPONDENT**

By Ruling dated March 6, 2003, this proceeding was reopened, and the schedule amended, to provide an opportunity for further information to be included in the record. This further information includes, but is not limited to, Pacific Gas and Electric Company (respondent) filing and serving a document which states the amount of cash on hand assumed available and used to fund respondent's Modified Plan of Reorganization (POR) dated February 24, 2003. The response was due on March 10, 2003. (Ruling dated March 6, 2003, Ordering Paragraphs 5 and 8.)

On March 10, 2003, respondent stated:

"Issues regarding PG&E's February 24, 2003, modified Plan of Reorganization are within the exclusive jurisdiction of the U.S. Bankruptcy Court which is presently conducting a confirmation hearing on the Plan, subject to testimony and introduction of

evidence by parties, including the CPUC. Information regarding Plan issues is discovery in that proceeding pursuant to discovery protocols and a protective order approved by the Court and binding on the parties, including the CPUC.” (Response dated March 10, 2003, page 3.)

To the contrary, the Commission retains jurisdiction and authority over ratemaking, and collection of information necessary to carry out its ratemaking responsibilities. (Public Utilities Code Sections 451, 581, 701, 728.) This jurisdiction and authority is independent of respondent’s voluntarily filing for reorganization under Chapter 11 of the Bankruptcy Code. Further, this jurisdiction and authority has not been suspended as a result of any court actions of which the Commission is aware.

The issue of whether or not to immediately reduce respondent’s rates is before the Commission. (Exhibit 2, pages 10-11.) That issue is within the jurisdiction of the Commission. The Commission needs additional information as it considers this issue, and decides whether or not to adopt the recommendation in whole or part. Limited elements of respondent’s February 24, 2003 Modified POR are likely to relate to this issue.

The March 6, 2003 Ruling seeks limited additional information that is, or should be, available to respondent. This information will assist the Commission in its deliberations on this issue. Respondent may seek protection of that information if it believes such protection is necessary (e.g., filing and serving a concurrent motion to file the information under seal), but may not decline to provide a response. Alternatively, respondent must cite the authority upon which it relies for its refusal to answer, including relevant court orders, if any, which either prevent respondent from providing a response, or permit respondent to decline to respond.

IT IS RULED that Pacific Gas and Electric Company (respondent) shall, within three days of the date of this ruling, file and serve a document which either (a) states the amount of cash on hand respondent assumes is available and used to fund its February 24, 2003 Modified Plan of Reorganization (POR), and the date, if any, beyond which further cash on hand is unnecessary to fund respondent's February 24, 2003 Modified POR, or (b) explains why the information is either not known by, or not available to, respondent.

Alternatively, respondent shall file and serve a document that cites the specific federal and state authority upon which respondent relies for not providing the requested information, including relevant court orders, if any, which either prevent respondent from providing a response, or permit respondent to decline to respond.

Dated March 18, 2003, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail on those with electronic mail addresses, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Information From Respondent on all parties of record in this proceeding or their attorneys of record.

Dated March 18, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.